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China - MFN 14

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United States Department of State

Washington, D. C. 20520

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INFORMATION MEMORANDUM
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TO: The Secretary
FROM: HA - John Shattuck Cof
SUBJECT: Status Report on China MFN Conditions

SUMMARY: On November 17 I met in Seattle for more than four hours with Qin Huasun, Chinese Assistant Minister of Foreign Affairs, to discuss in detail the human rights conditions in President Clinton's Executive Order #12850 of May 28 on MFN. This meeting was arranged at my request as a followup to my trip to China last month, during which I held in depth discussions on these issues with eight relevant Chinese ministries in Beijing, Lhasa and Guangzhou. The subjects I discussed in more than 20 hours of meetings with Chinese officials were also raised by Under Secretary Tarnoff in his two days of talks with Vice Foreign Minister Liu Huaqiu, by you in your three recent meetings with Foreign Minister Qian Qichen, and by the President in his meeting on November 19 with President Jiang Zemin.

In all of these discussions we have stressed the need for "overall, significant progress" on human rights in China, within the framework of the executive order, in order for MFN to be renewed next year. We have emphasized that early and steady progress will be more valuable than later gestures when the MFN deadline draws near. We have pointed out that this year the President and the Congress are in full agreement on MFN, and for this reason there is a serious risk that MFN will not be renewed if sufficient human rights progress does not occur. We have elaborated at length what we look for in achieving "overall, significant progress" in the context of the executive order; we have stated that the conditions are achievable within the framework of Chinese law; and we have made a firm commitment not to move the goalposts. Finally, we have stated that while there have been some early indications of progress in the areas of prison access, prison labor, and emigration, there has not yet been sufficient overall progress to warrant the renewal of MFN if the decision had to be made today. END SUMMARY

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Following is a summary of where matters now stand on each of the conditions in the executive order:

Prison Labor: The President must certify that "China is complying with the 1992 bilateral agreement between the United States and China." This is one of the two "must do" conditions, and based on my discussions in Beijing and Seattle it is workable. The Chinese have agreed to allow site visits to additional prisons we have requested to see if we resolve the two cases where site visits have already occurred. The Customs Bureau has indicated it is prepared to close one of the cases and to seek additional information from the Chinese about the other. We are following up.

Emigration: This is also a "must do" condition, and requires that extension of MFN "will substantially promote the freedom of emigration objectives" of the Jackson-Vanik amendment. Since the U.S. grants only approximately one-third of all Chinese visa applications, this is a sensitive area. We have given the Chinese a list of nine prominent cases in which emigration requests have reportedly been denied by China, and we are seeking to resolve them all. The Chinese have agreed to resolve one case so far (Chai Ling's family), but have asserted that they need more information on the others (including one in which they claim the applicant retains national security information). In several cases they claim they have not received fully completed applications. This condition should also be workable.

Prisoner Releases and Accounting: This is one of the five conditions requiring "overall significant progress" and it applies specifically to "Chinese citizens imprisoned or detained for the nonviolent expression of their political and religious beliefs." In my November 17 meeting with Assistant Minister Qin I received confirmation that the illustrative list of approximately 300 prisoners that I submitted to him in Beijing has been "conveyed to the Departments of Justice and Public Security, and they are studying your request in accordance with Chinese law." The Chinese assert that there is no case in which a person is imprisoned or detained for the nonviolent expression of political or religious beliefs, but they have indicated that there are currently 3317 prisoners who have been sentenced under the counterrevolutionary laws. We have pointed out that the ICRC will ask for an accounting of this group of prisoners if it is invited to visit Chinese prisons. Assistant Minister Qin has given no hint that an accounting is likely, but he has stated that "those who behave

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well in prison are given lenient treatment" and has confirmed that medical parole is permissible under Chinese law (we have identified 20 political prisoners with medical problems, including Wang Juntao, whose case was raised by President Clinton). This is probably the most difficult -- as well as the most important -- condition.

Prison Access. "Access to prisons by international humanitarian organizations" is one of the conditions for measuring overall significant progress. China's announcement two weeks ago that it would give "positive consideration" to a request by ICRC appeared to signal a major breakthrough.

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I am meeting with ICRC
representatives this week to seek further clarification.

Tibet. We are pursuing the condition of "protecting Tibet's distinctive religious and cultural heritage" by urging China to publicly invite the Dalai Lama to engage in talks with them. This is not farfetched. We know that China is engaged in a public relations campaign to improve its international image on Tibet, and discussions with the Dalai Lama could be consistent with their objectives. The Chinese position on this issue is that talks are possible so long as independence is not discussed, and in fact meetings have taken place in Beijing with the Dalai Lama's brother. For his part, the Dalai Lama is on record as supporting greater Tibetan autonomy, but not independence. An intermediary may be able to bring the two sides together, but none has been identified so far.

International Broadcasting. "Permitting international radio and television broadcasting into China" is another element of "overall, significant progress." After considerable discussion of this issue, it is clear that it is a problem of "frequency overload." VOA transmissions into China are difficult to receive clearly without a sophisticated radio because China has assigned closely neighboring frequencies to the VOA band. We are urging China to treat this as a technical problem, and to work with USIA to find a clearer frequency for VOA.

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Family Planning. The issue of forced abortions and involuntary sterilizations in China is addressed not in the executive order but in the President's accompanying message to Congress. Because it is politically sensitive, however, we have treated it in our dialogue with the Chinese as an issue to be included with the conditions for overall significant progress as human rights. We have expressed our understanding of the need for a successful Chinese family planning policy, and have stated strongly and elicited agreement that coercion should not be part of the policy. 6A3

We have requested the text of any government regulations prohibiting coercive enforcement practices, as well as the records of any cases in which such a prohibition was applied.

Drafted: HA: JShattuck
Cleared: EAP/CM - DKeyser
HA/BA - PHotze
C - JFarrar

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